IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CRIMINAL REVISION APPLICATION No 354 of 1999

For Approval and Signature:

Hon'ble MR.JUSTICE D.P.BUCH

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

CENTRAL BUREAU OF INVESTIGATION

Versus

MUKESH DEVENDRAPRASAD PANDYA

Appearance:

1. Criminal Revision Application No. 354 of 1999

MR AMIT J SHAH for Petitioner No. 1

MR BN KESHWANI for Respondents No. 1-3

CORAM : MR.JUSTICE D.P.BUCH

Date of decision: 21/01/2002

ORAL JUDGEMENT

By consent, this revision application is taken up for final disposal today.

Heard the learned advocate for the petitioner and

also Mr B N Keshwani, learned Advocate for all the three respondents. It appears that the revision application has been filed by the Central Bureau of Investigation against an order passed by the Special Judge, Ahmedabad City on 30.4.1999 allowing application Exh.59 and closing down the evidence of the petitioner-original complainant.

2. Learned Advocate for the respondents states that having regard to the facts and circumstances of the case, it is difficult to say that there was negligence on the part of the complainant in producing evidence within the time stipulated in the judgement of the Hon'ble Supreme Court. He, therefore, submits that the revision application may be allowed.

3. In that view of the matter, this revision application is allowed. The order of the learned Special Judge, Ahmedabad City passed on 30.4.1999 in Special Case No.17/92 below Application Exh.59 is quashed and set aside. The matter is remanded to the trial court for trial and disposal of the case according to law.

Rule is made absolute to the aforesaid extent.

21.1.2002 [D P Buch, J.]
msp